IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 16490 of 2004(K)

PETITIONER:

K.GOPAKUMAR, AGED 36,
S/O. KRISHNAN ACHARI, T.C.38/2380,`ASWATHY BHAVAN'
ARYASALA, THIRUVANANTHAPURAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS:

M/S. NEW INDIA ASSURANCE CO. LTD.,
DIVISIONAL OFFICER, REP. BY ITS SENIOR DIVISIONAL
MANAGER, DO II, GANDHARI, AMMAN KOVIL ROAD,
PUTHENCHALA, THIRUVANANTHAPURAM.

BY ADV. SRI.RAJAN P.KALIYATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.16490/04

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE APPOINTING LETTER ISSUED BY THE RESPONDENT DATED 6.1.98.

EXT.P2: TRUE COPY OF THE APLICATION FOR RNEWAL OF LICENCE SUBMITTED BEFORE THE RESPONDENT DATED 1.10.03.

EXT.P3: TRUE COPY OF THE LETTER DATED 13.10.03 ISSUED TO THE PETITIONER FROM THE REGIONAL OFFICER, OF THE RESPONDENT.

EXT.P4: TRUE COPY OF THE REPLY LETTER DATED 17.10.03 SENT TO THE REGIONAL MANAGER OF THE RESPONDENT.

EXT.P5: TRUE COPY OF THE LETTER ISSUED TO THE PETITIONER DATED 12.11.2003.

EXT.P6: TRUE COPY OF THE POSTAL RECEIPT DATED 2.10.03.

EXT.P7: TRUE COPY OF THE LETTER ACKNOWLEDGING THE DELIVERY ISSUED BY the POSTAL DEPARTMETN DATED 21.10.03.

EXT.P8: TRUE COPY OF THE ORDER IN P.L.CASE NO.320/03 OF THE LOK ADALATH BENCH OF DISTRICT LEGAL SERVICES AUTHORITY, DATED 13.3.2004.

EXT.P9: PHOTOCOPY OF THE AGENT BILL FOR THE PERIOD 1.6.03 TO 30.6.03 ISSUED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS:

EXT.R1: TRUE COPY OF LETTER DATED 12.11.03 OF THE IRDA DESIGNATED PERSON ADDRESSED TO THE PETITIONER.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.16490 OF 2004

Dated this the 7th day of February, 2007

JUDGMENT

The petitioner seeks a direction to the respondent to renew the insurance licence issued to him. According to the respondent, the competent authority to consider any such case is the Insurance Regulatory and Development Authority and proper application, complete in all respects as required under the Insurance Regulatory and Development Authority (Licencing of Insurance Agents) Regulations, 2000, has to be filed before that authority and the renewal of licence is subject to the various stipulations contained in the said regulations. It is also pointed out that application filed by the petitioner was received back by him on 12.11.2003 and was not thereafter presented before the competent officer. Ext.R1 shows that the IRDA designated person had addressed a communication to the petitioner.

Under such circumstances, this writ petition is disposed of

directing that if the petitioner takes appropriate steps to file proper application and if such application is entitled to be considered in terms of the aforesaid regulations by the designated person under the IRDA, the same will taken up, considered and disposed of by the said competent official on presentation of such materials, along with copy of this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.